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**RESOLUTION NO. 06-395**

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90206 (SOUTH OF KELLOGG, EAST OF TYLER)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90206 (SOUTH OF KELLOGG, EAST OF TYLER)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Water Distribution System Number 448-90206 (south of Kellogg, east of Tyler)**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Thirty-Eight Thousand Dollars (\$38,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **July 1, 2006**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**SANTA FE INDUSTRIAL SUBDIVISION**

A parcel of land lying in Block 1, Tract No. 3, Santa Fe Industrial Subdivision, Wichita, Kansas, being more particularly described as follows: Beginning at a point lying 5.00 feet East of the East line of Woodchuck Lane as platted in said Addition and on the extended south line of Wilbur E. Walker Second Addition, Wichita, Sedgwick County, Kansas; Thence on an assumed bearing of N87°15'57"E, 250.73 feet along the line common to said additions; thence S02°44'03"E, 160.93 feet; thence S87°57'55"W, 245.00 feet to a point 5.00 feet East of said East line; thence N01°33'20"W, 157.86 feet parallel with said East line to the Point of Beginning. (Water line to be extended along the east side of Woodchuck, from the southeast corner of Kellogg Drive/Frontage Road to Irving Ave.)

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: The tract of land in Block 1, Tract No. 3, **SANTA FE INDUSTRIAL**

SUBDIVISION described in Section 3 shall pay the entire cost.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, July 18, 2006.

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CARLOS MAYANS, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK  
(SEAL)